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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/922,263	09/02/1997	ROBERT J. CROWLEY	BSC011	1365

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EXAMINER

SHAY, DAVID M

ART UNIT	PAPER NUMBER
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3739

DATE MAILED: 07/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

08/922,263

Applicant(s)

Crowley

Examiner

J. Shay

Group Art Unit

3739

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE — 3 — MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 4-12, 14, 15, 17, 20-30, 32-44, 47-50 & 52-63 is/are pending in the application.
- Of the above claim(s) 54-59 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 4-12, 14, 15, 17, 20-30, 32-44, 47-50, & 52-63 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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This action is in response to applicants request that the method be examined rather than the apparatus. The examiner notes that while this is not normally done (see 37 CFR 1.142(b) the examiner will in this case allow the switch. Applicant is advised to exercise care in drafting further divisionals. It is further noted that the instant case should be amended to reflect the fact that it is a divisional.

1. Claims 1, 4-12, 17 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapelon et al in combination with Coleman et al. Chapelon et al teach the use of an intracorporeal cavitation <sup>e</sup>device. Coleman et al teach that the occurrence of cavitation can be confirmed by detecting the sonoluminescent pulses generated thereby. It would have been obvious to the artisan of ordinary skill to employ the light detector of Colman et al, in the device of Chapelon et al since this would confirm the occurrence of cavitation thus producing a method such as claimed.

2. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapelon et al ('526) in combination with Coleman et al as applied to claim 1 above, and further in view of Yock.. Yock teaches locating a piezo<sup>e</sup>electric device by translating it within a catheter. It would have been obvious to the artisan of ordinary skill to adjust the position of the module by translating it within a sheath since this is not critical and will prevent the tissue from moving as the probe is moved, thus producing a method such as claimed.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 20-30, 41-43 and 52 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Schubert.

5. Claims 32 and 36 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Chen et al.

6. Claims 32-35 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. . Chen et al teach employing a fluorescent light source, but give no particulars thereof. It would have been obvious to the artisan of ordinary skill to employ an equipotential flash tube or one coated with a fluorescent material, since these are notorious features of fluorescent light sources official notice of which is hereby taken and to employ a Gunn – diode to excite the material since this is not critical, provides no unexpected result, solves no problem in the art, and has no manipulative effect thus producing a method as claimed.

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7. Claims 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sinofsky in combination with Chen et al. Sinofsky teaches a method such as claimed except the step of electrically connecting the light sources. Chen et al teach the equivalence of fluorescent and laser sources. Thus it would have been obvious to the artisan of ordinary skill to employ a fluorescent source electrically connected outside the body since this is equivalent, to a laser as taught by Chen et al., thus producing a method such as claimed.

8. Claims 47, 49, and 53 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Furihata.

9. Claims 48 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furihata.. Furihata teaches a method such as claimed except the pulse width and gas. It would have been obvious to employ a filament lamp with a gas e.g. halogen, since these are notorious for producing bright illumination official notice of which is hereby taken, and the structure has no manipulative effect on the method and to employ a pulse of less than 100 millisecond since this produces no unexpected result and solves no particular problem in the art, and this is a notorious pulse width for photography official notice of which is hereby taken producing a method such as claimed.

10. Claims 15 and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chapelon et al ('526) in combination with Coleman et al as applied to claims 1 and 4 above, and further in view of Takayama et al. Takayama et al teach the use of an acoustic transducer and a lens to direct the shockwave. It would have been obvious to

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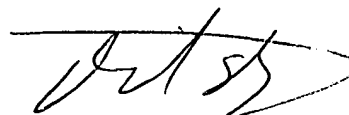
the artisan of ordinary skill to employ these structures to direct the shockwave, since these are old and well known "for this purpose in the art, solve no particular problem, and provide no unexpected result, and to employ a filter since this is a notorious device for reducing exposure to undesirable wavelengths, official notice of which is hereby taken, thus producing a method such as claimed.

11. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schubert. Schubert teaches a device such as claimed except the use of filter. It would have been obvious to the artisan of ordinary skill to employ a filter in the method of Schubert, since this is notorious measure to enable color photography, thus producing a method such as claimed.

Any inquiry concerning this communication should be directed to David Shay at telephone number (703) 308-2215

David Shay:bhw

June 27, 2002.



DAVID M. SHAY  
PRIMARY EXAMINER  
GROUP 330